



1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

May 16, 2025

VIA CM/ECF

Hon. Adalberto Jordan
Hon. Jill A. Pryor
Hon. Federico A. Moreno
United States Court of Appeals for the Eleventh Circuit
56 Forsyth St. N.W.
Atlanta, GA 30303

**Re: *Pendergrass v. Secretary of State*, No. 24-10231
Grant v. Secretary of State, No. 24-10241**

Dear Judges Jordan, Pryor, and Moreno:

During oral argument on May 15, the panel inquired about the number of injured Black voters who received a remedy in the 2023 maps, relative to the number of injured Black voters in the 2021 maps. The *Grant* Plaintiffs adopt the figures for state legislative districts reported by the *Alpha Phi Alpha* Plaintiffs in their recently filed letter. The *Pendergrass* Plaintiffs provide the relevant figures for the congressional map in the table below.¹

For context, the reported figures are derived from the vote dilution area (or as the Secretary's counsel preferred to refer to it at argument, the vote dilution "region"), which the district court defined as the area or region encompassed by the 2021 Plan's Congressional Districts ("CDs") 3, 6, 11, 13, and 14. *See* ECF No. 286 at 514 ("Declar[ing]" that "SB 2EX violate[d] Section 2 of the Voting Rights Act as to the[se] districts/areas"); *see also id.* at 268 ("[T]he Black voters in the area of the[se] challenged congressional districts do not have an equal opportunity to participate.").² For further context:

- CDs 3, 11, and 14 were majority-White in the 2021 Plan and remain majority-White in the 2023 Plan.
- CD 13 was majority-Black in the 2021 Plan and remains majority-Black in the 2023 Plan.
- CD 6 was majority-White in the 2021 Plan and is majority-Black in the 2023 Plan.

¹ While this letter is being docketed under Rule 28(j), Appellants recognize that Rule is not a precise fit because this letter provides pre-existing (and undisputed) factual information from the underlying record rather than supplemental legal authority. To the extent the Court believes Rule 28(j) provides the appropriate vehicle for this information, Appellants respectfully request an extension of the 350-word limit to accommodate their effort to explain fully and precisely how the reported figures were calculated.

² All docket citations refer to the *Pendergrass* docket, No. 1:21-cv-05339-SCJ.

- CD 5 was a majority-Black district in the 2021 Plan that lay entirely outside of the vote dilution region. CD 5 remains majority-Black in the 2023 Plan but is drawn partially from the vote dilution area.

In sum, the table below shows that the 2023 Plan provides a remedy to **54,743** out of 383,196 injured voters. As one possible comparison, the illustrative plan that Plaintiffs submitted during the liability phase would have provided a remedy to **141,764** injured voters.³

[*Chart provided on next page.*]

³ Plaintiffs' burden on liability was merely to identify a potential Black population that is "sufficiently large and geographically compact to constitute a majority in a reasonably configured district." *Allen v. Milligan*, 599 U.S. 1, 18 (2023) (cleaned up). Plaintiffs' illustrative map is, of course, not the only way the General Assembly could have achieved a more "complete[]" remedy, *Dillard v. Crenshaw County*, 831 F.2d 246, 252–53 (11th Cir. 1987), that is "designed as nearly as possible to restore the victims of discriminatory conduct to the position they would have occupied in the absence of such conduct," *Shaw v. Hunt*, 517 U.S. 899, 915 (1996) (quotation omitted).

	A	B	C	D
	Total BVAP in Region⁴	BVAP from Region Placed in Majority-Black Districts	BVAP from Region Excluded from Majority-Black Districts (i.e., injured voters)	Injured Voters Added to Majority-Black Districts (% injured remedied)
2021 Plan	766,859	383,663 ⁵	383,196 ⁶	N/A
2023 Plan	766,859	438,406 ⁷	328,453 ⁸	54,743 ⁹ (14.29%) ¹⁰
<i>Pls. ' Illustrative Plan</i>	766,859	525,427 ¹¹	241,432 ¹²	141,764 ¹³ (37.00%) ¹⁴

⁴ See ECF No. 318-3, which reports census figures by district for the 2021 Plan. The figure provided here sums the “18+ AP Black” column for CDs 3, 6, 11, 13, and 14.

⁵ See ECF No. 318-3. This figure is the “18+ AP Black” figure for CD 13.

⁶ Column A minus Column B.

⁷ See ECF No. 318-14, which reports how many Black voters from each district in the 2021 Plan are included in each district in the 2023 Plan. This figure sums how many 18+ AP_Black voters from the vote dilution region in the 2021 Plan (i.e., CDs 3, 6, 11, 13, 14) are included in the 2023 Plan’s majority-Black districts (i.e., CDs 5, 6, 13). Specifically, in the 2023 Plan’s CD 5, there are 71,991 Black adults from the vote dilution area (CD 13). In the 2023 Plan’s CD 6, there are 30,097 + 200,780 + 24,646 = 255,523 Black adults from the vote dilution region (CDs 11 + 13 + 14). In the 2023 Plan’s CD 13, there are 110,892 Black adults from the vote dilution region (CD 13). The figure provided in this letter thus sums 71,991 + 255,523 + 110,892, which equals 438,406.

⁸ Column A minus Column B.

⁹ Column B, 2023 Plan, minus Column B, 2021 Plan.

¹⁰ Column D divided by 383,196 (i.e., injured voters in 2021 Plan).

¹¹ See ECF No. 318-13, which reports how many Black voters from each district in the 2021 Plan are included in each district in Plaintiffs’ Illustrative Plan. This figure sums how many 18+ AP_Black voters from the vote dilution area in the 2021 Plan (i.e., CDs 3, 6, 11, 13, 14) are included in the Illustrative Plan’s majority-Black districts (i.e., CDs 6 and 13). Specifically, in the Illustrative Plan’s CD 6, there are 10,334 + 4,076 + 58,280 + 194,921 + 27,365 = 294,976 Black adults from the vote dilution region (CDs 3 + 6 + 11 + 13 + 14). In the Illustrative Plan’s CD 13, there are 41,709 + 188,742 = 230,451 Black adults from the vote dilution region (CDs 3 + 13). The figure provided in this letter thus sums 294,976 + 230,451, which equals 525,427. The Illustrative Plan’s CD 5 remains unchanged from the 2021 Plan, and thus it remains a majority-Black district that lies outside the vote dilution region.

¹² Column A minus Column B.

¹³ Column B, Illustrative Plan minus Column B, 2021 Plan.

¹⁴ Column D divided by 383,196 (i.e., injured voters in 2021 Plan).

Respectfully,

A handwritten signature in black ink, appearing to read 'Abha Khanna', with a stylized, cursive script.

Abha Khanna

Counsel for Pendergrass and Grant Appellants

cc: Counsel of Record via ECF